

APPENDIX JJ - Right of Way

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Dist.-Co.-Rte.
Property Owner's Surname
EA

Draft Appearance Information Sheet

Note: Standard wording is typed in regular typeface. Optional wording or guidance is typed in italics.

Under the eminent domain law, a property owner whose property is to be considered for a Resolution of Necessity has the right to appear before the California Transportation Commission to question whether:

- The public interest and necessity require the proposed project.
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
- The property sought to be condemned is necessary for the proposed project.

The California Transportation Commission has no jurisdiction to set compensation or deal with issues other than those listed above.

The Transportation Commission should expect an appearance at its (suggested CTC meeting date) meeting by (owner or representative) opposing the proposed acquisition of (briefly describe extent and type of acquisition) . *(Briefly state the project for which the acquisition is needed and the relationship of the needed property to the overall area in hectares of the ownership.)* The full amount of the approved appraisal has been offered to (owner) .

PARCEL DESCRIPTION

Describe any pertinent features of the parcel -- how used, area in hectares, topography, buildings, access, etc.

Give the status of other parcels required for the project: total parcels; number of parcels acquired; number of parcels under order for possession; and number of other owners expected to request appearance before the CTC.

PROPERTY OWNER'S CONCERNS

Provide a listing of the owner's primary concerns: compensation; design features; timing of the acquisition; lack of replacement housing; etc.

Quote or paraphrase the property owner's objections to the project.

Give a description of any design or right-of-way modifications suggested by the owner.

DISTRICT'S RESPONSE

Include the District's response to each concern or objection and the District's opinion on the feasibility of the owner's suggestions and the basis for the District opinion (why they are or are not feasible).

NEED FOR PROJECT

Give the reasons why the overall project is necessary -- including, as appropriate, a description of the existing highway, current and design year traffic volumes, up-to-date accident data and statewide rates, other warrants, etc. Discuss the project's priority in relation to other projects.

PROJECT PLANNING AND LOCATION

Describe the proposed project. Include historical background as appropriate. Give date of environmental document approval, current construction cost, STIP programming, source of funding, and tentative advertising date.

Give the reasons for the specific project location and/or design. Discuss location alternatives that were considered and the reasons for their rejection.

Describe other alternatives to the proposed acquisition that have been considered by the District (e.g., modified access control, construction obligations to offset concerns, a lesser project, etc.).

NEED FOR SUBJECT PROPERTY

Discuss the need for acquiring the individual parcel -- could it be avoided? Discuss whether or not the project's impact on the owner's property could be lessened by reducing or modifying the planned right-of-way acquisition. What would be the effects of avoiding the parcel on costs and on impacts to other properties and facilities?

Cover other pertinent factors.

Note: As can be seen by referring to the factors which form the basis for appeal, the above items are key information and must be clear and complete.

DISCUSSION

This section should discuss other issues raised by the property owner or contain more detailed elaboration of the issues of project need, location, and design where challenged by the property owner.

Give the District's opinion of the potential for settling the parcel prior to the CTC action meeting.

Provide an appraisal of the difficulty in scheduling a second-level review meeting with the owner (due to business, employment, or other reasons).

Identify the appropriate contact persons in District Right of Way and Design who can provide additional information, i.e., Right of Way Negotiation Agent, Project Manager, etc.

Provide the path to the CADD files for the appropriate project maps, including the parcel's appraisal map, the index map, the title sheet, and the geometric layout sheets, so that they can be imported to Design and Local Programs Program (DLPP) for preparation of the CTC exhibits. Also provide the name and phone number for the person able to provide CADD assistance for the project.

Attachments:

Project Map	<i>Furnish three clear prints of the project title sheet. The location of the subject parcel is to be indicated on one print.</i>
Parcel Map	<i>Furnish a clear print showing relationship of the property needed to the total parcel and overall right of way requirements. Important topographic features should be shown.</i>
Plan Sheets	<i>Furnish clear prints of plan sheets on 500:1 scale with geometric designs as necessary to illustrate issues.</i>
Chronology	<i>A chronology of official contacts or attempted contacts with the property owner (or representative) involving acquisition and formal offers must be included with this draft AIS. Include also major project events accomplished and scheduled, including: public hearing date, environmental document approval date, advertising date, contract award date, and project completion date.</i>
Fact Sheet	<i>Furnish a Resolution of Necessity Appearance Fact Sheet on a single page, summarizing the project information and the parcel information in an easy to understand manner, using the outline on the next page.</i>

Wall displays for CTC meetings will be developed by DLPP from modification and enlargement of the project and parcel maps obtained from the CADD files, or may be special combinations to best illustrate the issues involved. Contact the Chief, Office of Resolutions of Necessity, Encroachments, and Resource Conservation, DLPP, for consultation.

In addition to the hard copy, the draft AIS and maps and drawings should also be transmitted electronically whenever possible. The Macintosh format is preferred.

Resolution of Necessity Appearance Fact Sheet

PROJECT DATA

Dist-Co- Rte-KP

Location:

What highway in what county or city

Limits:

Between what major streets or landmarks

Contract Limits:

Use if project is broken down into several contracts

Cost:

R/W and Construction cost of contract or useable unit

Funding Source:

State (includes federal aid), Local, or Other (Specify)

Number of Lanes:

Existing: *# lanes mixed flow or HOV*

Proposed: *# lanes mixed flow or HOV*

Proposed Major Features:

Interchanges: *List each street having an interchange*

Other: *Such as HOV interchanges, frontage roads, city street widening affecting parcel*

Traffic:

Existing (year): *ADT*

Proposed (year): *ADT*

PARCEL DATA

Property Owner:

Names of owners

Parcel Location:

*For example: at corner of _____ and _____, west of freeway
Not the address*

Present Use:

Residence, what business or industry, how many tenants

Area of Property:

Total area of larger parcel

Area Required:

Area needed for each subparcel, and type of taking

FHWA Approval to Decertify and Sell Operating Right of Way

phone number

date

Dist. - Co. - Rte. - KP(PM)

general location

[name of administrator]
Division Administrator
Federal Highway Administration
Sacramento, California

Dear _____ :

FHWA Approval to Decertify and Sell Operating Right of Way

Supporting Data:

(1) Parcel Identification:

Parcel numbers _____

Area of parcel or description of access rights _____

Federal-aid right-of-way project no. for which parcel was acquired _____

EA Number _____

(2) Additional background information helpful in assessing the request:

(3) Findings that:

- (a) The parcel will not be needed for Federal-aid highway purposes in the foreseeable future.
- (b) The right of way being retained is adequate under present-day standards for the facility involved.
- (c) The release will not adversely affect the Federal-aid highway facility or the traffic thereon.
- (d) The parcel is not suitable for retention in order to restore, preserve, or improve the scenic beauty adjacent to the highway consonant with the intent of 23 USC 319 and PL 89-285, Title III, Sections 302-305 (Highway Beautification Act of 1965).
- (e) Reservations or exceptions to be assumed by the buyer (utilities, etc.).

(4) Credit Statement:

(Check appropriate statement)

- The payment received will be credited to Federal funds at the same pro rata share as Federal funds participated in the cost of the acquisition of the right of way. ()
- No credit will be made to Federal funds, as Federal funds did not participate in the cost of the acquisition of the right of way. ()

(5) Method of Disposal:

- Public sale ()
- Negotiations based on current appraised fair market value. ()
- Conveyance to another governmental agency for public use, either with payment to the State, or without payment to the State. ()

(6) Attachments: (1 set for excess property) (2 sets for change in access control)

- Location map

Right of way map showing calculated dimensions and bearings of new right of way line or revised access control, with subject parcel outlined in color.

"As-built" plan with parcel outlined in color, and showing the smallest distance from edge of pavement to new right of way line.

- Environmental Document

- Other information _____

Sincerely,

District Division Chief
Design

Attachments:

I CONCUR:

Division Administrator
Federal Highway Administration

Date

bcc: (with 1 set of attachments)
HQ DLPP

Right of Way Data Sheet

RIGHT OF WAY DATA SHEET

Exhibit 01-01-01

Page 1 of 6

TO: _____ Date _____
 ATTN: _____ Dist _____ Co _____ Rte _____ P/M _____
 EA _____
 Project Description _____

SUBJECT: Right of Way Data - Alternate No. _____

1. Right of Way Cost Estimate:

	Current Value (Future Use)	Escalation Rate	Escalated Value
A. Acquisition, including Excess Lands, Damages and Goodwill	\$ (1a.)	(1b.)%	\$ (1c.)
B. Utility Relocation (State Share)	\$ (2a.)	(2b.)%	\$ (2c.)
C. Relocation Assistance	\$ (3a.)	(3b.)%	\$ (3c.)
D. Clearance/Demolition	\$ (4a.)	(4b.)%	\$ (4c.)
E. Title and Escrow Fees	\$ (5a.)	(5b.)%	\$ (5c.)
F. Total Current Value (Future Use)	\$ (6)		
G. TOTAL ESCALATED VALUE			\$ (7)
H. Construction Contract Work	\$ (8)		

2. Anticipated Date of Right of Way Certification _____ (9)

3. Parcel Data:

Type(10)	Dual/Appr(12)	Utilities(13)	RR Involvements(14)
X _____		U4-1 _____	None _____
A _____		-2 _____	C&M Agrmt _____
B _____		-3 _____	Svc Contract _____
C _____		-4 _____	Lic/RE/Clauses _____
D _____		U5-7 _____	
E <u>XXXX</u>		-8 _____	Misc R/W Work _____
F <u>XXXX</u>		-9 _____	RAP Displ (15) _____
			Clear/Demo (16) _____
			Const Permits (17) _____
			Condemnation (18) _____
Total (11)			

Areas: Right of Way _____ No. Excess Parcels _____ Excess _____

Enter PMCS Screens _____ / _____ / _____ by _____

Enter AGRE Screen (Railroad data only) _____ / _____ / _____ by _____

Exhibit 01-01-01

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4. Are there any items of construction contract work?
Yes _____ No _____ (If yes, explain)
5. Provide a general description of the right of way and excess lands required (zoning, use, major improvements, critical or sensitive parcels, etc.). No right of way required. _____
6. Is there an effect on assessed valuation? Yes _____
Not Significant _____ No _____ (If yes, explain)
7. Are utility facilities or rights of way affected? Yes _____
No _____ (If yes, attach Utility Information Sheet
Exhibit 01-01-05)
8. Are Railroad facilities or rights of way affected? Yes _____
No _____ (If yes, attach Railroad Information Sheet
Exhibit 01-01-06)
9. Were any previously unidentified sites with hazardous waste and/or material found? Yes _____ None Evident _____ (If yes, attach memorandum per Procedural Handbook Volume 1, Section 101.011)

Exhibit 01-01-01
Page 3 of 6

10. Are RAP displacements required? Yes _____ No _____ (If yes, provide the following information)
- No. of single family _____ No. of business/nonprofit _____
- No. of multi-family _____ No. of farms _____
- Based on Draft/Final Relocation Impact Statement/Study dated _____, it is anticipated that sufficient replacement housing (will/will not) be available without Last Resort Housing.
11. Are there material borrow and/or disposal sites required?
Yes _____ No _____ (If yes, explain)
12. Are there potential relinquishments and/or abandonments?
Yes _____ No _____ (If yes, explain)
13. Are there any existing and/or potential Airspace Sites?
Yes _____ No _____ (If yes, explain)
14. Indicate the anticipated Right of Way schedule and lead time requirements. (Discuss if District proposes less than PMCS lead time and/or if significant pressures for project advancement are anticipated).
- PYPSCAN lead time (from Maps to R/W to project certification) _____ months.

Exhibit 01-01-01

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15. Is it anticipated that all Right of Work will be performed by CALTRANS staff? Yes _____ No _____ (If no discuss)

Evaluation Prepared By:

Right of Way: Name _____ Date _____

Railroad: Name _____ Date _____

Utilities: Name _____ Date _____

Recommended for Approval:

I have personally reviewed this Right of Way Data Sheet and all supporting information. I certify that the probable Highest and Best Use, estimated values, escalation rates, and assumptions are reasonable and proper subject to the limiting conditions set forth, and I find this Data Sheet complete and current.

Deputy District Director
Right of Way

Date

cc: Program Manager
Project Manager

Date _____

Exhibit 01-01-06
Page 1 of 1

RAILROAD INFORMATION SHEET

1. Describe railroad facilities or rights of way affected.

2. When branch lines or spurs are affected, would acquisition and/or payment of damages to businesses and/or industries served by the railroad facility be more cost effective than construction of a facility to perpetuate the rail service? (See Procedural Handbook Volume 4a, Chapter 440 for further detail.) Yes _____ No _____ (If yes, explain)

3. Discuss types of agreements and rights required from the railroads. Are grade crossings requiring service contracts, or grade separations requiring construction and maintenance agreements involved?

4. Remarks (nonoperating railroad right of way involved?):

5. PMCS Input Information

RR Involvements
None _____
C&M Agreement _____
SVC Contract _____
LIC/RE/Clauses _____

Prepared By:

Right of Way Railroad Coordinator_____
Date

Outline for Relinquishment Information Sheet

Recommendation

The recommendation should include solutions with cost estimates for each example (describe the details needed for a state-of-good-repair, maintenance, cooperative agreement features, etc.). The recommended solution should be suitable for inclusion in a project. In those cases where a funds transfer is proposed for a local agency administered contract in lieu of a State contract, the justification should be based on a Caltrans design with the transfer to be covered by a future Cooperative Agreement. In accordance with Caltrans regulations, funds to cover engineering design work are not transferable to local agencies. However, the district may offer to do the final engineering design for the local agency.

Contents

The Relinquishment Information Sheet (RIS) can be brief, but should include:

- A description of the project, its purpose, environmental documentation type and date, year of programming, and construction completion date or the scheduled date for completion.
- A description of the type of relinquishment; i.e. a State highway superseded by relocation or a collateral facility (specify if covered by agreement with the local agency), a non motorized facility (specify if covered by an agreement with the local agency), and, in rare cases, a protest to relinquishment of a State highway deleted by legislative enactment.
- Clear, legible maps that show the relinquishment facility's relationship to the overall project.
- A short summary of the local agency's primary concerns (lack of a state-of-good-repair, lack of maintenance, requested improvements, geotechnical problem, facility should be vacated rather than relinquished, inadequate traffic control devices, etc.)
- A description of any modifications suggested by the local agency. Include the local agency's written protest as an attachment with estimated costs to do the work requested by the local agency. Provide the district's recommendation for handling these suggestions, with basis and justification for the district's decision.
- Provide a chronological history of the relinquishment with pertinent previous official contacts, negotiations, decisions, cooperative agreements, freeway agreement features, disagreements, main reasons for the impasse, etc.

- If the delay is due to some reason other than a local agency protest, such as right of way litigation or inadequate resources, provide a list of the main facts concerning the delay, a target date for completion of the maps and of court proceedings, etc.
- The district's opinion of the potential for settlement of the protest prior to the CTC action meeting.
- Names, phone numbers, and locations of the appropriate District contact persons.